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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,230	01/11/2002	Chaucer Chiu	3313-0464P-SP	4827

2292 7590 07/01/2005

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EXAMINER
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BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/042,230	Applicant(s) CHIU ET AL.	
	Examiner Lewis A. Bullock, Jr.	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 8, 10, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by LEWIS et al (U.S. Patent 6,738,635).

As to claim 8, LEWIS teaches a data transmission scheduling method implemented in a mobile communication device (message originating device) (col. 3, lines 29-38; col. 6, lines 5-22) for arranging a data update and download plan using the transmission character of a wireless network (wireless network), which comprises the steps of: defining a schedule task of data transmissions (via using the scheduling program to define (add), change or delete scheduled events/tasks) (col. 7, line 56 – col. 8, line 39); adding a defined schedule task to the schedule queue (via adding a message to the queue) (col. 7, line 56 – col. 8, line 39); confirming a schedule condition of the schedule task; and transmitting the schedule task corresponding to the satisfied schedule condition (via sending the message at a predetermined time prior to the scheduled time of occurrence of the event) (col. 7, line 56 – col. 8, line 39; col. 11, lines 8-15; col. 11, lines 48-65).

As to claim 10, LEWIS teaches the step of defining a schedule task of data transmissions further comprises the steps of modifying and adding (via using the scheduling program to define (add), change or delete scheduled events/tasks) (col. 7, line 56 – col. 8, line 39).

As to claim 12, LEWIS teaches the adding step further comprises the steps of: editing the schedule queue (via using the scheduling program to define (add), change or delete scheduled events/tasks) (col. 7, line 56 – col. 8, line 39); and calling a schedule adding module (via using the scheduling program to define (add), change or delete scheduled events/tasks) (col. 7, line 56 – col. 8, line 39).

As to claim 13, LEWIS teaches the adding the defined schedule task to the schedule queue comprises the steps of: adding the schedule task (via adding an event); setting a string (via entering the destination node, or other information) (col. 10, line 55 – col. 11, line 33); generating a data transmission (event message to be transmitted); and adding the data transmission to the scheduling queue (via using the scheduling program to define (add), change or delete scheduled events/tasks and sending the events at a specified time) (col. 7, line 56 – col. 8, line 39).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS et al (U.S. Patent 6,738,635) in view of ARNOLD (U.S. Patent 6,748,233).

As to claim 1, LEWIS teaches a data transmission scheduling system implemented on a mobile communication device (message originating device) (col. 3, lines 29-38; col. 6, lines 5-22) for arranging a data update and download plan using the transmission character of a wireless network (wireless network), which comprises: a schedule defining module, which defines a schedule task for the data to be transmitted and sets a schedule condition for the schedule task (via using the scheduling program to define (add), change or delete scheduled events/tasks to be executed at pre-determined times) (col. 7, line 56 – col. 8, line 39); a schedule adding module, which adds the schedule task defined in the schedule defining module to a schedule queue in the data transmission scheduling system (via using the scheduling program to define (add), change or delete scheduled events/tasks in the queue) (col. 7, line 56 – col. 8, line 39); a schedule removal module, which removes the executed and completed schedule task from the schedule queue constructed in the schedule adding module (via update messaging process which adds, change or delete scheduled events/tasks that have changed) (col. 8, lines 5-52); a schedule executing module (store and forward

facility), which executes the schedule task satisfied the schedule condition constructed in the schedule defining module (col. 8, lines 31-39; col. 11, lines 45-65); and a system starting module (scheduler / computer program / processor), which starts the data transmission scheduling system, monitors the running of the schedule defining module, the scheduling adding model, the schedule removal module, and the schedule executing module (col. 7, lines 56 – col. 8, line 14). However, LEWIS does not teach a self-adjusting transmission module.

ARNOLD teaches scheduling communications in a wireless network by using a self-adjusting transmission module (operations of the adaptive predictive node), which detects network communications conditions (bandwidth conditions) and automatically adjusts the execution time for the schedule executing module to execute the schedule task (via the adaptive predictive node scheduling a communication and checking the scheduled communication with the network entity such that if the criteria cannot be met the communication is rescheduled) (col. 3, line 53 – col. 4, line 5; col. 6, lines 34-67). Therefore, it would be obvious to one skilled in the art at the time of the invention to combine the teachings of LEWIS with the teachings of ARNOLD in order to allow the scheduling of future transmission at the optimal communication time and place (col. 3, lines 1-3).

As to claim 3, LEWIS teaches the schedule condition is selected from the group consisting of a transmitted data location, an execution time, and a number of execution

times (predetermined time / identifier of receiving node) (col. 10, line 55 – col. 11, line 32; col. 11, lines 43-65).

As to claim 4, LEWIS teaches the transmitted data location is selected from the group consisting of a server address, a file address, and a command for generating a file on a server (receiving entity identifier) (col. 10, line 55 – col. 11, line 32).

As to claim 5, LEWIS teaches the execution time is selected from the group consisting of the current task execution time, the next task execution time, and the time interval of a repeated task (delivery time) (col. 10, line 55 – col. 11, line 32).

As to claim 6, LEWIS teaches a database forming a set of records (queue of events) (col. 10, line 55 – col. 11, line 32).

As to claim 7, LEWIS teaches the record is selected from the group consisting of a schedule task record, a schedule queue record, and a schedule diary (record details a scheduled event) (col. 10, line 55 – col. 11, line 33).

3. Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS et al (U.S. Patent 6,738,635) in view of ROUSE et al (U.S. Patent 6,757,530).

As to claim 9, LEWIS substantially disclose the invention above. However, the reference does not teach storing the schedule task execution results.

ROUSE teaches a data transmission scheduling system on a wireless device that prepares the data through a server (via server retrieves the data and converts it to be displayed on mobile user device); transmits the data to the mobile communication device; and records the execution result of the task (wherein the schedule change is sent to the scheduling application and is updated and displayed for the user / the information is retrieved and displayed for the user when a user request for information) (col. 8, lines 35-44; col. 8, line 65 – col. 9, line 25; col. 6, lines 25-36; col. 4, line 63- col. 5, line 4; col. 21, lines 22-25). Therefore, it would be obvious to combine the teachings of LEWIS with the teachings of ROUSE in order to allow mobile devices to interact with databases and public directories over a wireless network (col. 2, lines 17-20).

4. Claims 11, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS et al (U.S. Patent 6,738,635).

As to claim 11, LEWIS teaches the modifying step comprises the steps of: checking a schedule queue record (via determining a previously prepared record to be deleted) (col. 10, lines 33-54); calling a schedule removal module (remove operation) to remove the already executed schedule tasks from the schedule queue (via disregarding all events that have been passed) (col. 10, lines 25-32; col. 7, line 56 – col. 8, line 39); and calling a schedule adding module (add operation to add event to queue) to add the defined schedule task to the schedule queue in the data transmission scheduling system (col. 7, line 56 – col. 8, line 39). However, LEWIS does not explicitly teach that



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the records of the scheduler are displayed. Official Notice is taken in that it is well known in the art that a scheduler displays scheduled meetings or appointments on a display device and therefore would be obvious in view of LEWIS in order to allow the user to visualize their schedule.

As to claim 18, LEWIS teaches the schedule task is formatted as an email message to be transmitted at a specified delivery time (col. 11, lines 34-47). However, LEWIS does not teach that the task allows for a plurality of repeated transmissions. Official Notice is taken in that it is well known in the art that email notifications are capable of repeated transmissions, i.e. resend every 15 minutes until the meeting time, and therefore would be obvious in view of LEWIS in order to repeat the notification to the receiving mobile device.

As to claim 20, LEWIS teaches the retrieving data from a database or data storage device using a scheduler (col. 9, lines 27-56). However, LEWIS does not teach that the data is stored as files. Official Notice is taken in that it is well known in the art that data stored in a storage device is typically stored in files and therefore would be obvious to one skilled in the art at the time of the invention that the data of LEWIS are files retrieved for the scheduler.

5. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS et al (U.S. Patent 6,738,635) in view of ARNOLD et al (U.S. Patent 6,748,233) and ROUSE et al (U.S. Patent 6,757,530).

As to claims 14 and 15, LEWIS teaches executing the data transmission (via executing the event at the predetermined time); calling a schedule adding module (via adding an event); and calling a schedule removal module (via changing or deleting an event) by deleting the schedule task (col. 10, line 55 – col. 11, line 33; col. 7, line 56 – col. 8, line 39). However, LEWIS does not teach calling a self-adjusting transmission module to automatically adjust the execution time or recording the execution results.

ARNOLD teaches scheduling communications in a wireless network by using a self-adjusting transmission module (operations of the adaptive predictive node), which detects network communications conditions (bandwidth conditions) and automatically adjusts the execution time for the schedule executing module to execute the schedule task (via the adaptive predictive node scheduling a communication and checking the scheduled communication with the network entity such that if the criteria cannot be met the communication is rescheduled) (col. 3, line 53 – col. 4, line 5; col. 6, lines 34-67). Therefore, it would be obvious to one skilled in the art at the time of the invention to combine the teachings of LEWIS with the teachings of ARNOLD in order to allow the scheduling of future transmission at the optimal communication time and place (col. 3, lines 1-3).

ROUSE teaches a data transmission scheduling system on a wireless device that comprises a schedule diary module to store the schedule task execution result

(wherein the schedule is updated and displayed for the user / the information is retrieved and displayed for the user in an task for requested information) (col. 8, lines 35-44; col. 8, line 65 – col. 9, line 25; col. 6, lines 25-36; col. 4, line 63- col. 5, line 4; col. 21, lines 22-25). Therefore, it would be obvious to combine the teachings of LEWIS with the teachings of ARNOLD and ROUSE in order to allow mobile devices to interact with databases and public directories over a wireless network (col. 2, lines 17-20).

As to claim 16, LEWIS teaches the step of calling the schedule removal module (delete operation) comprises the steps of: checking a record (checking new records to old records); deleting the schedule task; deleting the schedule diary; and deleting the record (via replacing the old data with the new data wherein if a change is determined that an event is deleted, then to remove the event such that no event will be forwarded to the message receiving entity) (col. 10, lines 32-54).

As to claim 17, LEWIS teaches the record is selected from the group consisting of a schedule task record, a schedule queue record, and the schedule diary (record details a scheduled event) (col. 10, line 55 – col. 11, line 33).

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS et al (U.S. Patent 6,738,635) in view of ARNOLD (U.S. Patent 6,748,233).

As to claim 19, LEWIS substantially discloses the invention above. However, LEWIS does not teach the use of a self-adjusting transmission technology. ARNOLD

teaches scheduling communications in a wireless network by using a self-adjusting transmission technology (operations of the adaptive predictive node), which detects network communications conditions (bandwidth conditions) and automatically adjusts the execution time for the schedule executing module to execute the schedule task (via the adaptive predictive node scheduling a communication and checking the scheduled communication with the network entity such that if the criteria cannot be met the communication is rescheduled) (col. 3, line 53 – col. 4, line 5; col. 6, lines 34-67).

Therefore, it would be obvious to one skilled in the art at the time of the invention to combine the teachings of LEWIS with the teachings of ARNOLD in order to allow the scheduling of future transmission at the optimal communication time and place (col. 3, lines 1-3).

7. Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS in view of ARNOLD as applied to claim 1 above, and further in view of ROUSE (U.S. Patent 6,757,530).

As to claim 2, LEWIS and ARNOLD substantially disclose the invention above. However, neither reference teaches storing the schedule task execution results. ROUSE teaches a data transmission scheduling system on a wireless device that comprises a schedule diary module to store the schedule task execution result (wherein the schedule is updated and displayed for the user / the information is retrieved and displayed for the user in an task for requested information) (col. 8, lines 35-44; col. 8, line 65 – col. 9, line 25; col. 6, lines 25-36; col. 4, line 63- col. 5, line 4; col. 21, lines 22-

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25). Therefore, it would be obvious to combine the teachings of LEWIS with the teachings of ARNOLD and ROUSE in order to allow mobile devices to interact with databases and public directories over a wireless network (col. 2, lines 17-20).

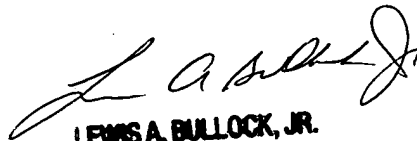
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 23, 2005

  
**LEWIS A. BULLOCK, JR.**  
**PRIMARY EXAMINER**